



California Regional Water Quality Control Board

Los Angeles Region



Terry Tamminen
Secretary for
Environmental
Protection

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REVISED

Los Angeles Regional Water Quality Control Board Minutes of July 10, 2003 Regular Board Meeting held at Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California

INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:15 am.

Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, R. Keith McDonald, H. David Nahai, and Christopher Pak

Board Members Absent

Bradley Mindlin and Timothy Shaheen

Staff Present

Dennis Dickerson, David Bacharowski, Ronji Harris, Jack Price, Steve Cain, Jenny Newman, Laura Gallardo, Paula Rasmussen, Sam Unger, Hugh Marley, Cassandra Owens, Tony Rizk, Rosario Aston, Michael Lyons, Don Tsai, Elizabeth Erickson, Thanhloan Nguyen, Renee DeShazo, Deborah Neiter, Russ Colby, Lala Kabadaian

Others Present

Richard Parsons, Ventura Port District
Douglas Benash
Susannah Turney, City of Arcadia
Damon Wing, Ventura CoastKeeper
Arthur Golding, Los Angeles and San Gabriel Rivers
Watershed Council
Brenda Huffman, LA Chamber of Commerce
Susan Damron, Los Angeles Department of Water
And Power
Steve Fleischli, Santa Monica BayKeeper
Mark Gold, Heal the Bay
Steve Fleischli, Santa Monica BayKeeper
Chris Daste, City of Santa Clarita
Jim Stahl, Los Angeles County

Tim Piasky, CICWQ
Dr. Susan Paulson, CPR, et al
Jim Marchese, City of Los Angeles
Sherwood Natsuhara, City of Vernon
Councilmember David A. Spence, City of
La Canada Flintridge
Eliza Bartner, Santa Monica BayKeeper
Shokouffe Marashi, City of Los Angeles,
Bureau of Sanitation
Dr. Cindy Lin, US EPA Region IX
Rodney Anderson, City of Burbank
Joseph Bellas, Universal Studios
Gus Dembegiotes, City of Los Angeles
Dr. Gerry Greene, Los Angeles County

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Sanitation Districts
Margaret Nellor, Los Angeles County
Sanitation Districts
Jerry Burke, Los Angeles County Department of
Public Works
Margaret Clark, Mayor Pro Tem, City of Rosemead
Councilmember Larry Forester, City of Signal Hill

Councilmember Keith McCarthy, City of Downey
Mayor Scott A. Larsen, City of Bellflower
Mayor Gus Velasco, City of Santa Fe Springs

Terry DeJournett, Los Angeles County Fire
Department

Executive Advisory Committee
Vicki Conway, Los Angeles County
Sanitation Districts
Sharon Green, Los Angeles County
Sanitation Districts
Supervisor Burke, Los Angeles County
Supervisor Knabe, County of Los
Angeles
Louis Ceylala, City of Monrovia
Mike Shultz, US EPA
Daniel J Lafferty, LA County Department
of Public Works
Clayton Yoshida, City of Los Angeles,
Bureau of Sanitation

Pledge of Allegiance

1. Roll Call

A roll call was taken.

2. Order of Agenda

Items 10.1 and 10.2 were postponed to a future meeting.

3. Board Member Communications and Ex Parte Disclosure

Board Member McDonald reported on a meeting with representatives from the Building Industry Association.

Board Member Nahai reported on a meeting with Tim Piasky of the Building Industry Association.

Board Member Pak also had a meeting with Tim Piasky regarding outreach efforts.

Chair Cloke reported on the Chairs meeting in Sacramento, meetings with the City of Malibu, and an outreach project she participated in with LA County.

4. Approval of Minutes from the June 5, 2003 Board Meeting

MOTION: By Vice Chair Diamond, seconded by Board Member Levy, and approved on a voice vote.

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5. Executive Officer's Report

Dennis Dickerson, Executive Officer, reported on the upcoming special meeting for Sunshine Canyon Landfill, the Water Quality Awards, perchlorate testing at Ahmanson Ranch, and perchlorate issues in Simi Valley.

6. Public Forum

Jerry Burke, Los Angeles County Department of Public Works, presented the Board with an update on compliance with the Trash TMDL.

7. Uncontested Items Calendar

The following items were approved as part of the uncontested items calendar: 8.1, 8.2, 8.4, 9.1, 9.2, 9.3, 11.1, 11.2, and 15.

MOTION: By Board Member Nahai, seconded by Board Member McDonald, and approved on a voice vote.

8.3 Los Angeles Department of Water and Power Harbor Generating Station

Blythe Ponek-Bacharowski, Chief, Watershed Regulatory section, gave the staff presentation, including the type of waste discharged from the facility, and the process of intake and discharge of cooling water. She discussed the new permit requirements, including CTR-SIP limits. She then reviewed comments received and outstanding issues, including entrainment and impingement issues, compliance with upcoming 316(b) rules, priority pollutant monitoring, and toxicity sampling requirements.

Susan Damron, Los Angeles Department of Water and Power, supported the permit but discussed the remaining issue of the frequency of compliance monitoring. She suggested that DWP be required to conduct weekly monitoring for only one year, followed by monthly or quarterly reporting.

Steve Fleischli, discussed his concerns about impingement and entrainment issues. He discussed the ecological impact of cooling water intake. He discussed best available technology requirements under 316(b) and stated that the current technology at the generating station was not adequate. He suggested that the permit be postponed until staff evaluated opportunities to reduce impingement and entrainment.

Mark Gold, Heal the Bay, felt that the proposed permit was not proactive in addressing impingement and entrainment issues and strongly urged the Board to look at these issues before Phase II regulations were promulgated.

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Board Questions

Board Member Pak asked if DWP was looking into reducing intake volume to reduce impingement and entrainment.

Ms. Damron replied that DWP was looking into this and had already decommissioned the steam turbines in 1993. She stated that additionally, they needed to look at types of equipment to retrofit the 60-year old plant in the future. She stated that DWP would examine these issues as required by Phase II regulations.

Board member Levy asked about the costs associated with increases impingement and entrainment monitoring.

Ms. Damron replied that a study would cost in the millions of dollars.

Ms. Ponek-Bacharowski, stated that the permit did not ignore the impact of impingement and entrainment, but that it merely postponed the issues until Phase II regulations were promulgated. She said that without the regulations, there was no direction or way to measure compliance. She added that staff would bring all power plant permits before the Board for modification once the regulations were promulgated.

Board member McDonald asked staff to respond to DWPs suggestion regarding weekly sampling.

Ms Ponek-Bacharowski replied that staff agreed to allow the weekly sampling to be decreased to monthly after one year upon approval of the executive officer. She offered additional language for page 8.3-57.

Board members and staff discussed entrainment and impingement issues and the technology currently used at the generating station. They discussed the need for additional information and a multi-agency task force to address these issues.

There was a motion to adopt the staff recommendation and to direct the executive officer to convene a task force with other regional boards and interested parties to address impingement and entrainment issues. There was additional direction to staff to reopen all nine power station permits once Phase II regulations were adopted, and to include the task force recommendations in the reopener.

MOTION: By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

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12. Santa Clara River Chloride TMDL Remand

Jon Bishop, Chief Regional Programs section, presented the staff report. He gave the history of the TMDL, which was originally adopted by the Regional Board in October 2002, but remanded to the Regional Board by State Board. He reviewed the four items that State Board directed the Regional Board to reconsider, then discussed comments on staff's proposal.

Gerry Green, Los Angeles County Executive Advisory Committee, appreciated staff's efforts to address the remand but was concerned that the water quality objective was lower than the chloride levels in potable water.

Jim Stahl, Los Angeles County Sanitation Districts, appreciated the changes made by staff but had additional requests. He requested that the duration of interim limits be extended, that the TMDL be held in abeyance until the review of the current water quality objective was completed, that the TMDL be postponed to discuss and refine alternative dispute resolutions, and that the interim limits not be performance based.

Chris Daste, City of Santa Clarita, expressed overall support for the remand language but was concerned about the financial impacts potentially posed by compliance with the TMDL.

Board Questions

Board Member Nahai asked staff to review the legal parameters and their position on reviewing issues beyond the scope of the remand.

Michael Lauffer, staff counsel, replied that the Regional Board could limit the hearing to remand issues and that this was the approach chosen by staff. He stated that State Board was strongly committed to the remand issues and would take them up on their own if the Regional Board did not address them.

Jon Bishop replied that the remand only required the Board to reconsider the length of the compliance schedule and not the value of the water quality objective, numeric targets or allocations in the TMDL.

Vice Chair Diamond asked about the benefit to the farming community posed by the TMDL and if they were on the mailing list for the remand.

Mr. Bishop replied that the farming community was on the mailing list for the remand item but that there was no specific outreach regarding the remand as there was for the TMDL itself.

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Chair Cloke asked staff to address concerns that the TMDL would require the construction of costly reverse osmosis treatment.

Mr. Bishop replied that it was premature to assume the need for reverse osmosis. He stated that the TMDL required studies to determine the appropriateness of the current water quality objective. He added that there was potential for compliance with the TMDL if one considered reevaluation of the water quality objective, alternative water supplies, and a water softener buy back program.

Mr. Bishop address several more questions from Chair Cloke.

Board Member Pak asked about the history of the water quality objectives.

Vice Chair Diamond directed staff to clarify language on 12-23 regarding completion of interim tasks.

Board Member Nahai thanked Mr. Stahl for coming to the meeting and expressing his concerns. He stated that many of the comments were beyond the scope of the remand. He asked Mr. Stahl if he still did not support the TMDL even with the required studies, reopening, and reexamination of interim limits.

Mr. Stahl replied that if reverse osmosis were necessary, the cost of the treatment, the ecological impact of the pipeline, etc., would outweigh the benefits of protecting the current water quality objective and he could therefore not support the TMDL.

MOTION: By Board Member Nahai, seconded by board Member Buckner-Levy, and approved on a voice vote. No votes in opposition.

16. Hearing to assess Mandatory Minimum Penalties against MCA, Inc., Universal Studios

Paula Rasmussen, Chief, Enforcement and Groundwater Permitting Section, presented a summary of the administrative civil liability issued to MCA Universal and the proposed decision by a hearing panel, including findings of facts, conclusions of law, and a recommended liability assessment.

There was a motion to accept the recommendation of the hearing panel.

MOTION: By Vice Chair Diamond, seconded by Board Member McDonald, and approved on a voice vote. No votes in opposition.

13. Los Angeles River Nitrogen TMDL

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Sam Unger, Chief, TMDL unit, gave the staff presentation. He reviewed the impaired beneficial uses of the LA River, background on the watershed, major sources of nitrogen, and the interaction and impacts of nitrogen compounds. He discussed the TMDL development and stakeholder process and regulatory background for the TMDL. He reviewed the source analysis, linkage analysis, numeric targets, wasteload allocations, margin of safety, critical condition, and the implementation plan. He then reviewed comments and staff's response to comments.

Shokouffe Marashi, City of Los Angeles, Bureau of Sanitation, generally supported the TMDL but felt that the ten- percent explicit margin of safety was unnecessary.

Gus Dembegiotes, City of Los Angeles, felt that the wasteload allocations for Tillman were too low and that the interim limits at the LA Glendale plant were too low as well.

Dan Lafferty, Los Angeles County Department of Public Works, supported the TMDL and felt that the limits proposed for the MS4 permittees were appropriate.

Rodney Anderson, City of Burbank, felt that there was no need for an explicit margin of safety and that the wasteload allocations during wet weather should be suspended.

Gerry Green, Los Angeles County Executive Advisory Committee, reiterated the comments made by the Cities of Los Angeles and Burbank.

Mark Gold, Heal the Bay, felt that the TMDL did not adequately address algal impairment, that the 8 mg/L upstream limit was a violation of antidegradation laws, and that the interim limits were too high.

Dr. Cindy Lin, US EPA Region IX, strongly encouraged the Board to adopt the TMDI and reminded them of the consent decree schedule.

Board Questions

Vice Chair Diamond asked staff to respond to the comment that algal impairments were not adequately addressed.

Jon Bishop agreed that the waste load allocations were not developed to address algal impairments but that algal impairments were not ignored. He stated that previous algae studies were inconclusive and the proposed studies were due five years from the effective date of the TMDL.

Board Member Nahai asked staff to address comments regarding interim limits and suspension of allocations during wet weather. He also asked staff to clarify that the costs estimates for the TMDL were not new costs.

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Mr. Bishop replied that the interim limits were performance-based, which was the same method used in TSOs. He stated that the POTWs had bypass provisions in their permits that may or may not address the suspension issue. He added that Item No. 6 in the implementation plan would look at the issue of seasonality. Finally he stated that the N/DN costs were not new because N/DN was needed to comply with Basin Plan objectives before the TMDL was developed.

Board Member Nahai directed staff to add language to the resolution adding additional wasteload allocations as needed in order to address algal impairments.

There was a motion to adopt the staff recommendation with the changes in the change sheet and with the following changes:

- Add a finding clarifying cost of compliance.*
- Add language addressing the possibility of new wasteload allocations for algal impairment*
- Change Task No. 10 from four years to five years*
- Delete section No. 7*

MOTION: By Board Member Nahai, seconded by Board Member McDonald, and approved on a voice vote. No votes in opposition.

14. High Flow Exemption basin Plan Amendment

Renee DeShazo, Standards and TMDL unit, gave the staff presentation. She reviewed background on the item, the proposed suspension of Rec-1 and Rec-2 beneficial uses in engineered channels during high flow conditions, the legal justification for the suspension, the alternatives and staff recommendation, the implementation provisions, and public comments. She stated that the purpose of the amendment was to acknowledge the inherent danger of recreating in engineered flood control channels during unsafe conditions characterized by swiftly moving, deep water. She then reviewed outcomes of the amendment, including regulatory relief from meeting certain water quality objectives (i.e. bacteria objectives) during defined wet weather events and additional flexibility in where storm water controls can be implemented to meet downstream requirements.

Those who spoke in support of the Basin Plan Amendment:

*Los Angeles County Supervisor Burke
Los Angeles County Supervisor Don Knabe
Mayor Scott Larson, City of Bellflower
Councilmember Keith McCarthy, City of Downey
Councilmember Larry Forester, City of Signal Hill
Terry DeJournett, Los Angeles County Fire Department
Mike Schultz, USEPA Region IX
Brenda Huffman, Los Angeles Chamber of Commerce*

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*Arthur Golding, Los Angeles and San Gabriel Rivers Watershed Council
Susan Paulson, CPR, etc.
Gerry Greene, Los Angeles County Executive Advisory Committee
Susannah Turney, City of Arcadia
Gus Dembegiotes, City of Los Angeles*

Those who supported the amendment felt that it was necessary for the Basin Plan to accurately reflect the uses of regional waters and recognize the danger of swimming during swiftwater conditions.

Those who spoke in opposition to the Basin Plan Amendment:

*Eliza Bartner, Santa Monica BayKeeper
Damon Wing, Ventura CoastKeeper
Mark Gold, Heal the Bay
Douglas Benash*

Those opposed to the TMDL felt that de-designation was a water quality issue and that changing the designation would not prevent the use during unsafe conditions.

Board Questions/Discussion

Board Member Nahai felt that it was important to protect public health and safety and to show the Cities and Counties that the Board was willing to cooperate with them.

Board Member Pak asked if the section of the Los Angeles River between the zoo and Griffith Park was considered an engineered channel because there were plans for slowing the rivers flow through that area.

Mr. Bishop replied that it was considered an engineered channel.

Board Member Nahai asked if the area from Ballona Creek to the estuary would be de-designated as well.

Mr. Bishop replied that it would.

Chair Cloke asked if there were any restoration plans for these river segments that would be effected by the dedesignation.

Mr. Bishop replied that there were no plans for restoration within the three-year window between the effective date of the amendment and the reopener.

There was more discussion between the Board and staff and then a motion to adopt the staff recommendation with additional language proposed by legal staff.

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MOTION: By Chair Cloke, seconded by Board Member Nahai, and approved on a voice vote.
No votes in opposition.

Adjournment of Current Meeting

The meeting adjourned at approximately 6:20 pm. The next regular meeting is scheduled for August 7, 2003, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

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